

B1040 (FORM 1040) (12/15)

| <b>ADVERSARY PROCEEDING COVER SHEET</b><br>(Instructions on Reverse)  |  | <b>ADVERSARY PROCEEDING NUMBER</b><br>(Court Use Only) |   |  |
|---|--|--|---|--|
| <b>PLAINTIFFS</b><br>Timothy P. Smith, Trustee<br>102 Middle Street<br>Manchester, NH 03101   | <b>DEFENDANTS</b><br>The Phillip Mathewson Companies, Inc.<br>160 Norway Hill Road<br>Hancock, NH 03449  |  |   |  |
| <b>ATTORNEYS</b> (Firm Name, Address, and Telephone No.)<br>James LaMontagne<br>Sheehan Phinney<br>75 Portsmouth Blvd., Suite 110<br>Portsmouth, NH 03801   | <b>ATTORNEYS</b> (If Known)  |  |   |  |
| <b>PARTY</b> (Check One Box Only)<br><input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin<br><input type="checkbox"/> Creditor <input type="checkbox"/> Other<br><input checked="" type="checkbox"/> Trustee  | <b>PARTY</b> (Check One Box Only)<br><input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin<br><input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other<br><input type="checkbox"/> Trustee   |  |   |  |
| <b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)<br>Complaint to avoid preferential and fraudulent transfers pursuant to 11 U.S.C. Sections 547 & 548.   |  |  |   |  |
| <b>NATURE OF SUIT</b><br>(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)   |  |  |   |  |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 7001(1) – Recovery of Money/Property</b><br/> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property<br/> <input checked="" type="checkbox"/> 12-Recovery of money/property - §547 preference<br/> <input checked="" type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer<br/> <input type="checkbox"/> 14-Recovery of money/property - other<br/><br/> <b>FRBP 7001(2) – Validity, Priority or Extent of Lien</b><br/> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property<br/><br/> <b>FRBP 7001(3) – Approval of Sale of Property</b><br/> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)<br/><br/> <b>FRBP 7001(4) – Objection/Revocation of Discharge</b><br/> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)<br/><br/> <b>FRBP 7001(5) – Revocation of Confirmation</b><br/> <input type="checkbox"/> 51-Revocation of confirmation<br/><br/> <b>FRBP 7001(6) – Dischargeability</b><br/> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims<br/> <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud<br/> <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny<br/> <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; 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| <input type="checkbox"/> Check if this case involves a substantive issue of state law   | <input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23  |  |   |  |
| <input type="checkbox"/> Check if a jury trial is demanded in complaint   | Demand \$ <b>37,700.00</b>   |  |   |  |
| Other Relief Sought   |  |  |   |  |

**B1040 (FORM 1040) (12/15)**

| BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES |                 |  |
|---|-----------------|--|
| NAME OF DEBTOR<br>Detail Design Builders, LLC             |                 | BANKRUPTCY CASE NO.<br>22-10577-MAF                          |
| DISTRICT IN WHICH CASE IS PENDING<br>New Hampshire        | DIVISION OFFICE | NAME OF JUDGE<br>Hon. Michael Fagone                         |
| RELATED ADVERSARY PROCEEDING (IF ANY)                     |                 |  |
| PLAINTIFF   | DEFENDANT       | ADVERSARY PROCEEDING NO.                                     |
| DISTRICT IN WHICH ADVERSARY IS PENDING                    | DIVISION OFFICE | NAME OF JUDGE  |
| SIGNATURE OF ATTORNEY (OR PLAINTIFF)                      |                 |  |
| DATE<br>November 19, 2024                                 |                 | PRINT NAME OF ATTORNEY (OR PLAINTIFF)<br>James S. LaMontagne |

### INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

**Plaintiffs and Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

**Attorneys.** Give the names and addresses of the attorneys, if known.

**Party.** Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

**Demand.** Enter the dollar amount being demanded in the complaint.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.